

## **Remarks**

The Final Office Action of January 14, 2009 and Advisory Action of June 25, 2009 have been carefully considered. Claim 1 is currently amended and Claim 4 is cancelled. Claims 1 – 3 and 5 - 19 are currently pending.

### **Double Patenting Rejection**

Claims 1 – 19 of are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 - 35 of U.S. Patent No. 6,703,441. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 -15 of U.S. Patent No. 7,067,581. Claims 1 - 19 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 -25 of U.S. Patent No. 6,723,407.

Claims 1 - 19 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 -11 over co-pending Application No. 10/537,469. Terminal disclaimers were filed with the previous response but were not accepted. Replacement Terminal Disclaimers will be filed once the pending rejections have been resolved.

### **Claim Rejections - 35 U.S.C. § 103(a)**

Claims 1 - 19 are rejected under 35 U.S.C. § 103(a) as being upatentable over Fukuoka et al (JP 10-025460). This rejection is traversed.

Claim 1 is amended to recite that the polymer blocks P(A1) and the polymer blocks P(A2) possess an identical homopolymer and/or copolymer composition and the polymer blocks P(B1) and the polymer blocks P(B2) possess an identical homopolymer and/or copolymer composition. Support for this amendment is found throughout the Specification and particularly at original Claim 4. The Applicants submit that Fukuoka does not disclose or suggest a blend of a triblock polymer and its inverse triblock polymer defined as currently claimed. The Applicants submit that one of ordinary skill in the art could not arrive at the claimed invention by selecting the various features of Fukuoka et al.

The claimed invention provides superior results to the compositions taught in Fukuoka. The present Specification specifically compares the use of a triblock copolymer alone and a triblock copolymer with the addition of the inverse triblock copolymer. As indicated in the Specification: "From examples 1 - 5 it has been demonstrated that as a result of the addition of the inverse triblock copolymers P(B)-P(A)-P(B) an increase in the bond strength was obtained in all cases. Moreover, the adhesive retained its good cohesion in all cases. See Specification at p. 30, lines 8-10 and Table 1 and 2.

The Final Office Action admits that there are no examples in which all of the features are present simultaneously, but that it would be obvious absent any showing of unexpected results. As discussed above, the claimed combination provides superior results. Yet, there is nothing in the prior art or Fukuoka that would suggest to one skilled in the art that combining the components C1 and C2 as currently defined in the claimed invention would result in superior results. There is no reason why one skilled in

the art would go through the extra trouble of combining the inverse triblock copolymer as defined with the expectation of achieving these superior results. Accordingly removal of the rejection is respectfully requested.

Claims 1 - 12 and 15 - 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Peffley et al (U.S. 6,093,410). Again, the Final Office Action indicates that Peffley et al. does not disclose a composition with all of the claimed features. For the reasons discussed above with regard to Peffley, This rejection is traversed.

Specifically, the claimed invention provides superior results to the compositions taught in Peffley. The present specification specifically compares the use of a triblock copolymer alone and a triblock copolymer with the addition of the inverse triblock copolymer where the polymer blocks P(A1) and the polymer blocks P(A2) possess an identical homopolymer and/or copolymer composition and the polymer blocks P(B1) and the polymer blocks P(B2) possess an identical homopolymer and/or copolymer composition. As indicated in the specification: "From examples 1-5 it has been demonstrated that as a result of the addition of the inverse triblock copolymers P(B)-P(A)-P(B) an increase in the bond strength was obtained in all cases. Moreover, the adhesive retained its good cohesion in all cases. See Specification at p. 30, lines 8-10 and Table 1 and 2.

There is nothing in the prior art or Peffley that would suggest to one skilled in the art that combining the components of the claimed invention would result in superior results. There is no reason why one of skilled in the art would go through the extra trouble of combining the inverse triblock copolymer with the expectation of achieving these superior results. Accordingly removal of the rejection is respectfully requested.

Claims 1 - 12 and 15 - 19 are rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being unpatentable over Kengly (WO 00/12645). This rejection is traversed.

In contrast to the invention as claimed, Kengly discloses an ABAD tetra block copolymer and ABA triblock copolymer. The presently claimed invention recites an ABA triblock copolymer and a BAB triblock copolymer. Seemingly, the Final Office Action is equating the BAD portion of the tetrablock copolymer with the BAB element. The BAD portion is not the same as the recited BAB component. Accordingly, the reference does not anticipate the currently pending claims.

Additionally, the Kengly discloses this combination as optional. Kengly specifically contemplates using the ABAD copolymer and the ABA copolymer alone. Specifically, Kengly teaches a linear block copolymer of the formula of ABAD and/or ABA. Clearly the reference does not recognize the importance of a mixture between the triblock copolymer and its inverse triblock copolymer wherein the combination provides unexpected results as discussed with regard to the previous references. Accordingly, removal of the rejection is respectfully requested.

### **Conclusion**

The instant application is believed to be in condition for allowance. A Notice of Allowance of Claims 1 - 19 is respectfully requested. The Examiner is invited to telephone the undersigned at (908) 722-0700 if it is believed that further discussions, and/or additional amendment would help advance the prosecution of the instant application.

If any extension of time for this response is required, applicants request that this be considered a petition therefore. Please charge any required petition fee to Deposit Account No. 14-1263.

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read 'Christopher S. Casieri', written over a horizontal line.

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